

PUBLIC NOTICE:**NOTICE OF PROPOSED ADMINISTRATIVE ORDER AND PENALTY ASSESSMENT, AND OPPORTUNITY TO COMMENT**

SITE/FACILITY: Stanton Auto Body,
792 County Route 60,
Elmira NY 14901.

Docket NO. SDWA-02-2006-8901

Public Notice No. 06-68

PUBLIC COMMENT PERIOD: 30 Days from Publication Date

SUMMARY: EPA is providing notice of a proposed administrative order and penalty assessment for alleged violations of the Safe Drinking Water Act (Act). EPA is also providing notice of opportunity to comment on the proposed administrative order and penalty assessment.

Part C of the Safe Drinking Water Act (SDWA) specifically mandates regulation of the underground injection of fluids through wells to ensure that the quality of underground sources of drinking water is protected. Section 1422 of the SDWA requires the EPA to administer UIC programs in states that do not have approved UIC programs. New York has not acquired primacy over the UIC program pursuant to 40 C.F.R. Part 147 **and**, therefore, the EPA administers the program in New York.

The Complaint addresses a well that is owned/operated by Richard **Stanton (Respondent)**. Respondent has failed to comply with 40 C.F.R. §144.12(a), 40 C.F. R. 144.11. Respondent has injected waste into two floor drains leading to a drywell without having submitted inventory for this injection well.

The fluids have been injected into or above the local aquifer, an underground source of drinking water (USDW), as defined in 40 C.F.R. §144.3 and 146.3. Respondent has not inventoried these wells pursuant to 40 C.F.R. §§ 144.26 and 144.83. **Respondent's** actions may have caused a violation of primary drinking water regulations or may otherwise adversely affect the health of persons and are, therefore, in violation of 40 C.F.R. § 144.12.

The Complaint proposes a penalty of \$23,000 for **these violations**.

PROPOSED PENALTY: **\$23,000** for unauthorized injection and endangerment of Underground Sources of Drinking Water at the facility located at 792 County Route 60, Elmira NY 14901.

FOR FURTHER INFORMATION: Karen Maples, EPA Region 2, 290 Broadway, 16th Floor, New York, New York 10007 (212) 637-3247.

Persons wishing to receive a copy of EPA's Consolidated Rules, or review documents filed in these proceedings, comment upon the proposed assessments, or otherwise participate in any of the proceedings, should contact the Regional Hearing Clerk Unless otherwise noted, the administrative record for these proceedings is located in the EPA Regional Office identified above, and the files will be open for public inspection during normal business hours. All information submitted by the Respondent is available as part of the administrative record, subject to provisions of law restricting public disclosure of confidential information.

LEGAL BACKGROUND:

Under 42 U.S.C. §300h-2, EPA is authorized to issue Orders assessing a civil penalties for various

violations of the Act, requiring compliance with any requirement of an applicable underground injection control program, or both. EPA may issue such Orders after the commencement of a penalty proceeding. EPA provides Public Notice of the proposed assessment pursuant to 42 U.S.C. §300h-2(c)(3)(B).

Administrative civil penalty proceedings are conducted under EPA'S "Consolidated Rules of Practice Governing The Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders and the Revocation Termination or Suspension of Permits", 40 CFR Part 22. The procedures through which the public may submit written comment on a proposed administrative penalty action or participate in an administrative penalty proceeding, and the procedures by which a Respondent may request a Hearing, are set forth in the Consolidated Rules. The deadline for submitting public comment on this administrative civil penalty proceeding is thirty (30) days after issuance of this Public Notice.

**Dore Laposta, Director
Division of Enforcement and
Compliance Assistance**